

### **REMARKS**

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. After amending the claims as set forth above, claims 23, 25-26, 28-35, and 38-42 are now pending in this application.

Applicant wishes to thank the Examiner for the careful consideration given to the claims.

#### **Drawings**

An objection has been made with respect to the drawings because the figures allegedly do not show the chamber not being sealed off by the two ring-like elements (as recited in claim 27) and the continuous ring-like elements being additional components (as recited in claim 36). Claims 27-36 have been canceled, which renders the objection moot. For at least this reason, favorable reconsideration of the objection is respectfully requested.

#### **Specification**

An objection has been raised with respect to the disclosure because the abstract allegedly does not avoid phrases which can be implied. The abstract has been amended to remove these phrases. For at least this reason, favorable reconsideration of the objection is respectfully requested.

#### **Rejection of claims 23, 25-36, and 38-42 based on 35 U.S.C. 112**

Claims 23, 25-36, and 38-42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite.

It is alleged that claims 23, 25-36, and 38-42 are indefinite because of the phrase “ring-like elements” includes “elements not actually disclosed (those encompassed by ‘-like’), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).” The phrase “ring-like” has been changed to “ring-shaped,” as per the Examiner’s suggestion.

It is alleged that claim 32 is indefinite because it is unclear if “a substantially sealed spatial region” of claim 32 is referring back to the limitation “a spatial region” of claim 23. Claim 32 has been amended to change “a substantially sealed spatial region” of claim 32 to “a substantially sealed spatial region around the at least one tube,” which is different from “a spatial region between the first and second tube parts” of claim 23.

It is alleged that claim 40 is indefinite because there is insufficient antecedent basis for “their respective first end regions” and “their respective second end regions.” Claim 40 has been amended to recite “wherein each of the plurality of tubes has first and second end regions,” thus establishing the necessary antecedent basis.

It is alleged that claims 41-42 are indefinite because “for supplying the first medium, discharging the first medium, or a combination thereof” is not clearly written. Claims 41-42 have been amended to recite “for supplying the first medium, discharging the first medium, or a combination of supplying and discharging the first medium.”

For at least these reasons, favorable reconsideration of the rejection is respectfully requested.

Rejection of claims 23, 25-36, and 38-42 based on WO ‘230

Claims 23, 25-36, and 38-42 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 89/07230 (“WO ‘230”). For at least the following reasons, this rejection is traversed.

Claim 23 recites, among other things, first and second terminating elements; at least one tube comprising a first end region connected to the first terminating element and a second end region connected to the second terminating element; a first tube part connected to the first terminating element; a second tube part connected to the second terminating element, wherein one of the first and second tube parts comprises two continuous ring-shaped elements protruding radially towards the other of the first and second tube parts; and at least one sealing element disposed between the two ring-shaped elements in a spatial region between the first and second tube parts. The two continuous ring-shaped elements form at least one chamber between the first tube part and the second tube part. The continuous ring-shaped elements serve as a support that acts radially for the first and second tube parts. WO ‘230 does not teach or suggest this combination of features.

For instance, WO ‘230 does not teach or suggest that “wherein one of the first and second tube parts comprises two continuous ring-shaped elements protruding radially towards the other of the first and second tube parts.” WO ‘230 does not disclose two ring-shaped elements protruding towards the other of the first and second tube parts, but merely discloses grooves 16 and 18 formed as indented grooves into the wall of the outer tube 4 and that contain sealing members 20 and 22, respectively. Indented grooves do not have protruding

ring-shaped elements. Because WO '230 does not teach or suggest that one of the first and second tube parts comprises two continuous ring-shaped elements protruding radially towards the other of the first and second tube parts, claim 23 is allowable over WO '230.

In addition, the indented grooves 16 and 18 are not continuous ring-shaped elements which serves as a support that acts radially for the first and second tube parts. Indeed, there is a gap between the outer tubes 4 and the end manifolds 8 and 10 with the sealing members 20 and 22 disposed therebetween. Thus, WO '230 does not teach or suggest that the continuous ring-shaped elements serve as a support that acts radially for the first and second tube parts, and claim 23 is allowable.

Claims 23, 25-26, 28-35, and 38-42 depend from and contain all the features of claim 23, and are allowable for the same reasons as claim 23, without regard to the further patentable features contained thereon.

However, claim 26 is additionally allowable because WO '230 does not teach or suggest that the indented grooves 16 and 18 substantially seal without the use of the sealing member.

Claim 31 is additionally allowable because WO '230 does not teach or suggest that the O-rings 20 and 22 are introduced into the grooves as a paste or gel medium.

Claim 38 is additionally allowable because WO '230 does not teach or suggest that the indented grooves 16 and 18 serve as axial bearings.

Claims 27 and 36 have been canceled, which renders the rejection of these claims moot.

For at least these reasons, favorable reconsideration of the rejection is respectfully requested.

#### Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 7/29/09

By P.D.S.

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5540  
Facsimile: (202) 672-5399

Paul D. Strain  
Attorney for Applicant  
Registration No. 47,369